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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/602,778 06/23/00 BAMDAD

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EXAMINER

HM12/1004

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ART UNIT

PAPER NUMBER

1641

DATE MAILED:

10/04/01

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trad marks**

# Office Action Summary

Application No.

09/602,778

Applicant(s)

BAMDAD ET AL.

Examiner

Gary W. Counts

Art Unit

1641

-- The MAILING DATE of this communication appears on the cover sheet with the corresponding address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 12/19/00.
- 2a) ☐ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-204 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) \_\_\_\_\_ is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☒ Claims 1-204 are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

- 15) ☐ Notice of References Cited (PTO-892)
- 16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 17) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 18) ☐ Interview Summary (PTO-413) Paper No(s) \_\_\_\_\_.
- 19) ☐ Notice of Informal Patent Application (PTO-152)
- 20) ☐ Other: \_\_\_\_\_.

***Election/Restrictions***

1. Restriction to one of the following inventions is required under 35 U.S.C. 121:
  - I. Claims 1-84 and 172-204, drawn to a method allowing a colloid particle to become immobilized with a non-colloidal structure, classified in class 424, subclass 163.1.
  - II. Claims 85-103, drawn to a method comprising signaling a first biological agent to a second biological agent with a plurality of signaling entities, classified in class 435, subclass 7.1.
  - III. Claims 104-117, drawn to a method comprising determining protein/ligand interaction, classified in class 530, subclass 387.1.
  - IV. Claims 118-124 and 125, drawn to method colloids interacting with a cell surface molecule and a composition comprising an electrode, classified in class 204, subclass 290.
  - V. Claims 126-128, drawn to a method comprising recruiting an electronic signaling entity to an electrode using a magnetic material, classified in class 435, subclass 7.2.
  - VI. Claims 129 and 130, drawn to an article defining a surface, and a ligand suspected of interacting with a protein and an electroactive entity each immobilized relative to the surface classified in class 435, subclass 285.2.
  - VII. Claims 131-134, drawn to an article comprising a first biological agent capable of binding to a second agent, classified in class 435, subclass 7.1.

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- VIII. Claims 135 and 136, drawn to an article defining a surface, and a self assembled monolayer comprising a mixture of a first molecular species and a second molecular species, classified in class 435, subclass 173.4.
- IX. Claims 137-149, 159 and 160 , drawn to a composition, comprising a first molecule and one or more signaling entities attached to a solid support, wherein said first molecule is a ligand capable of interacting with a cell-surface receptor or protein, classified in class 424, subclass 130.1.
- X. Claims 150-158, drawn to a composition, comprising a first molecule, a second molecule and a third molecule attached to a solid support, classified in class 424, subclass 178.1.
- XI. Claims 161 and 162 , drawn to an article comprising a metal support constructed and arranged to support the growth of cells on a surface, classified in class 422, subclass 186.05.
- XII. Claim 163, drawn to a composition comprising a colloid particle, a signaling entity immobilized relative to the colloid particle; and a protein immobilized relative to the colloid particle, classified in class 424, subclass 184.1.
- XIII. Claims 164-169, drawn to a species comprising a polymer or dendrimer carrying a plurality of signaling entities adapted for linkage to a biological or chemical agent, classified in class 424, subclass 78.1.

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- XIV. Claims 170 and 171, drawn to an article comprising a colloid particle immobilized relative to a glutathione derivative and at least one signaling entity, classified in class 530, subclass 332.

Inventions I – XIV are unrelated and individual inventions.

Inventions are unrelated if it can be shown that they are not disclosed as capable of use together and they have different modes of operation, different functions, or different effects (MPEP § 806.04, MPEP § 808.01). The colloid and non-colloid particles of claims 1-84 and 172-204 of group I are not required by the claims of the other groups. The signaling of a first biological or chemical agent to a second biological or chemical agent with a plurality of signals of claims 85-103 of group II are not required by the claims of the other groups. The determining protein/ligand interaction of claims 104-117 of group III are not required by the claims of the other groups. The solution comprising colloids capable of interacting with a cell surface molecule of claims 118-124 and 125 of group IV are not required by the claims of the other groups. The recruiting of an electronic signaling entity to an electrode using a magnetic material of claims 126-128 of group V are not required by the claims of the other groups. The article defining a surface, and a ligand suspected of interacting with a protein and an electroactive entity of claims 129 and 130 of group VI are not required by the claims of the other groups. The first biological or chemical agent, capable of biological or chemical binding to a second agent of claims 131-

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134 of group VII are not required by the claims of the other groups. The defining a surface, and a self-assembled monolayer formed on the surface of claims 135 and 136 of group VIII are not required by the claims of the other groups. The composition of a first molecule and one or more signaling entities attached to a solid support of claims 137-149, 159 and 160 of group IX are not required by the claims of the other groups. The composition of a first molecule, a second molecule and a third molecule attached to a solid support capable of interacting with a cell surface receptor or protein of claims 150-158 of group X are not required by the claims of the other groups. The metal support constructed and arranged to support the growth cells on a surface of claims 161 and 162 of group XI are not required by the claims of the other groups. The composition of a colloid particle, a signaling entity immobilized relative to the colloid particle; and a protein immobilized relative to the colloid particle of claim 163 of group XII are not required by the claims of the other groups. The species comprising a polymer or dendrimer of claims 164-169 of group XIII are not required by the claims of the other groups. The colloid particle immobilized relative to a glutathione derivative of claims 170 and 171 of group XIV are not required by the claims of the other groups.

Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different

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classification, and the search required for one group is not required for other restriction for examination purposes as indicated is proper.

Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a petition under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gary W. Counts whose telephone number is (703) 305-1444. The examiner can normally be reached on M-F 8:00 - 4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Long Le can be reached on (703) 305-3399. The fax phone numbers for the organization where this application or proceeding is assigned are (703)308-4242 for regular communications and (703)3084242 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0196.

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*Gary Counts*

Gary W. Counts

Examiner

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August 22, 2001

*Long V. Le*

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09/11/01